IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Crl.Rev.Pet.No. 1121 of 2000-B

CRA.230/1995 of SESSIONS COURT, THALASSERY
CC.244/1992 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, KANNUR

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REVN. PETITIONER:

PUTHIYAPURAYIL VINOD, S/O. BHASKARAN,
AGED 35, RESIDING AT AZHIKKAL AMSOM DESOM
KANNUR DISTRICT.

BY ADV. SRI.V.RAMKUMAR NAMBIAR

RESPONDENTS:

1. STATION HOUSE OFFICER,
KANNUR CITY POLICE STATION.

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA

BY PUBLIC PROSECUTORMR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 5890 OF 2000 IN CRL.R.P.NO. 1121 OF 2000

DISMISSED.

19-3-2007 **SD/-K.R.UDAYABHANU, JUDGEs**

TRUE COPY

P.S. TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.1121 of 2000

DATED THIS THE 19th day of March 2007

ORDER

The revision petitioner stands convicted for the offence under Sections 279, 337 and 338 of the Indian Penal Code and sentenced to undergo simple imprisonment for three months for the offence under Section 279 IPC; to undergo simple imprisonment for one month for the offence under Section 337 IPC and to undergo simple imprisonment for six months for the offence under Section 338 IPC. The sentences would run concurrently. Counsel for the revision petitioner has only sought for leniency pointing out that the incident has taken place in 1992 and so far he was facing the criminal proceedings.

2. The prosecution case is that the accused was driving bus bearing Reg.No.KLN 8617 in a rash and negligent manner and hit against a stationary bus having Reg.No.KLN 735 and the same was resulted in injuries to passengers. It is seen from the evidence that PW5, a lady lost her two teeth.

3. On a perusal of the evidence adduced in the matter, I find no reason to interfere in exercise of the revisional jurisdiction. The findings are concurrent. The evidence is convincing. All the same the

sentence imposed under Section 338 is modified to imprisonment till the rising of the court and to pay a compensation of R.7500/- vide Section 357(3) Cr.P.C. to PW5, who lost teeth and in default to undergo simple imprisonment for one month. No separate sentence is awarded under sections 279 and 337 IPC. The revision petitioner shall appear before the Judicial First Class Magistrate-II, Kannur on 24-4-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.1121 of 2000-B

ORDER

19-3-2007